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with the court, and that has been the chief cause of its failure. There being no common law offences against the United States, the federal courts cannot look to that body of law as a source of criminal jurisdiction. Crimes and offences against the United States must be expressly designated by law; Congress must define the same, fix their punishment and confer the jurisdiction to try them. But when Congress adopts or creates common law offences, then the courts can resort to that law for the true meaning and definition of such crimes.¹ In construing the law of 1890, the court resorting to the common law definition of monopoly came to the conclusion that it meant: the selling *alone* or exclusively *all* of a particular kind of merchandise or commodity to the detriment of the public, all others being restrained from the exercise of a right or liberty which they had before the monopoly was secured. This view or definition is quite at variance with Professor Clark's idea of a monopoly. He reaches his conclusion that the common law furnishes an adequate remedy for the evils of monopoly from definitions not employed by the courts. If he were to proceed from their definitions and premises his conclusion would be quite different, *i. e.*, that the common law, as understood and enforced against monopolies and contracts in restraint of trade at the present time, is not an efficient remedy with which to combat the evils of our present commercial and industrial system.

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Municipal Administration. By DR. JOHN A. FAIRLIE, Assistant Professor of Administrative Law in the University of Michigan. Pp. 447. Price, \$3.00. New York: Macmillan Co., 1901.

Dr. Fairlie's book is designed "to give a general knowledge of the whole field of municipal administration for those interested in public affairs, and at the same time to form the groundwork for more detailed investigation to those who make this a special field for academic study or for practical purposes." The author has succeeded in collecting a vast amount of information, statistical and historical, and has put it in interesting and readable form.

Part I is an historical survey of cities ancient and modern. The importance of ancient cities, the decline during the middle ages, the modern revival, and the reasons therefor are clearly set forth. It is interesting to note that ancient cities had many experiences with that class of public servants known as "boodlers." "The improvement of municipal conditions which marks the beginnings of modern city life" are found in the reign of Louis XIV. England first felt the pressure

¹ *Cf.*, opinion of Circuit Judge Jackson, 52 Fed. Rep.

of the urban movement and in many ways has best met the situation. Nearly 30 per cent of the English people now live in cities of over 100,000 population. In this urban movement the United States is second, followed closely by Germany. The chapter on Municipal Development in the United States is of special interest. Dr. Fairlie notes five changes from 1820-1850. (1) Mayors elected by popular vote; (2) extension of bicameral system of council organization; (3) general adoption of manhood suffrage; (4) some expansion of municipal activity with (5) corresponding development of special legislation. From 1850 to 1870 there was a great extension of municipal activity accompanied by development of the spoils system. Since 1870 municipal government has greatly improved.

In Part II Dr. Fairlie discusses Public Health and Safety, Charities, Education and Municipal Improvements. Attention is particularly called to two aspects of municipal activity. In the first the authorities are in reality agents of the central government performing "the state functions of local administration." In the second purely local needs and conditions are met. As illustrative of the former the police force is cited. In this department the central government has often assumed control. Thus the police of London, Berlin, Paris, Vienna and Tokio are in direct control of the general government. In the United States the police force of St. Louis, Baltimore, Cincinnati, San Francisco and many smaller places are responsible to boards appointed by the state. "The courts in the United States have repeatedly declared that police officers are not private or corporate officers of the municipality but public or state officers." The general field of Charities and Education is covered. One is surprised to find no reference to municipal reformatories, houses of correction, probation officers and truant schools. The writer doubtless felt that these were too much matters of detail. The various problems of lighting, paving, highways, sewage, etc., are discussed under Municipal Improvements. The question of public ownership and control of such enterprises as street railways Dr. Fairlie thinks must be decided on general grounds. He states these conclusions: "1. Where a private company has shown itself well managed and active in the public interest, it seems doubtful policy to run the risk of a less able management under municipal control; but agreements even with such a company should be carefully drawn to safeguard the interests of the city.

2. "In the case of franchises granted without proper provisions, the first step to be taken is to compel the reduction of rates or an improvement in facilities so that the company will receive only a fair income from its property. If this is not done, little will be gained by a muni-

cipal purchase of the plant at the swollen values due to the high rates charged.

3. "After such a reduction in rates, or upon the expiration of a franchise in a city which has managed other public works with success, and is not already involved in as many undertakings as it can manage, municipal ownership of monopolies is advisable."

Part III treats of Municipal Finances. Dr. Fairlie shows that in England and Wales, though the population trebled during the last century, the taxes collected by local authorities multiplied sevenfold. In France from 1836 to 1899, "while population has gained one-sixth, municipal expenditures have increased six times. The same tendency exists in other countries. In England and Wales municipal expenditures in 1890 were about \$10.03 per capita; United States (1890), \$6.80; Belgium (1892), \$5.97; France (1891), \$3.34.

Part IV deals with Municipal Organization, and closes with a chapter on Proposed Plans of Municipal Organization, in which the scheme of the committee of the National Municipal League is set forth. Dr. Fairlie believes that the city should be divided into permanent districts, recognizing the main natural boundaries, each district electing councilmen in proportion to population. "Such a system would make it difficult to gerrymander districts." "It is also adapted to plans of proportional representation. In the election of mayor an absolute majority of votes should be required at the first ballot, so that a candidate may not be chosen who is supported by a minority of the voters."

Each chapter is headed by an excellent bibliography. The value of all the discussions is enhanced by the constant comparison of cities in the various countries. Moreover, the statements are drawn from reliable sources and are brought well down to date. There are doubtless minor errors as on page 190, where, in stating the municipal grants to charitable institutions, the author overlooked the fact that Chicago makes an appropriation of \$10,000 or so yearly to the St. Vincent's Infant Asylum. These, however, are of little significance. Dr. Fairlie is to be congratulated on having done so much and done it so well.

The work will be of great service to all interested in municipal problems. It may well serve as the basis of class work, although the price has been fixed rather high for general college use.

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The Anthracite Coal Industry. BY PETER ROBERTS, Ph. D., with an Introduction by W. G. SUMNER, LL. D. Pp. 261. Price, \$3.50. The Macmillan Company, 1901.

Two-thirds of Dr. Roberts' monograph represents a type of economic